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Attorney for Plaintiffs
Chan Soo Kim
Xtenplus International, Inc.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

Chan Soo Kim, and)	Case No.: 3:17cv00449
)	
Xtenplus International, Inc.)	
)	COMPLAINT FOR PATENT
Plaintiffs,)	INFRINGEMENT
)	
vs.)	
)	(Demand For Jury Included)
Green Tea Ideas, Inc.,)	
)	
and)	
)	
DOES 1 through 10)	
)	
Defendants.)	
)	
)	

PLAINTIFF'S COMPLAINT

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2 1. Plaintiffs Chan Soo Kim and Xtenplus International (“Plaintiffs”) file their
3 Complaint for patent infringement. Plaintiffs assert claims for patent infringement of U.S. Patent
4 No. 7,461,662 (“662 Patent”), a copy of which is attached hereto as Exhibit “A” against Green
5 Tea Ideas Inc (“Defendant”) under 35 U.S.C. § 271 et seq. In support thereof, Plaintiffs would
6 respectfully show the Court the following:
7

8
9 **PARTIES**

10 2. Plaintiff Chan Soo Kim is an individual residing at Hyundai I-Park 105-701, 49
11 Sukgye-ro, Nowon-gu, Seoul, Republic of Korea.
12

13 3. Plaintiff Xtenplus International, Inc. is a California Corporation with its principal
14 place of business located at 1258 N. Highland Ave, Hollywood, CA 90038.
15

16 4. Defendant, Green Tea Ideas Inc. is a Virginia corporation located at 2738 Calkins
17 Road, Herndon, VA 20171. Defendant does business in Commonwealth of Virginia.
18

19 **JURISDICTION AND VENUE**

20 5. This is an action for patent infringement arising under the patent laws of the
21 United States, Title 35, United States Code. This Court has an exclusive subject matter
22 jurisdiction over this case for patent infringement under 28 U.S.C. §1331 and §1338.
23

24 6. This Court has a personal jurisdiction over Defendant conducting business within
25 Commonwealth of Virginia.
26

27 7. Venue is proper in this District under 28 U.S.C. § 1391 and §1400.
28

PATENT INFRINGEMENT

1 8. On December 9, 2008, the United States Patent and Trademark Office ("PTO")
2 issued the 662 Patent, entitled "Hair Clip," after a full and fair examination to Chan Soo Kim.
3 Xtenplus International, Inc. is the exclusive licensee.

4 9. The 662 Patent includes three independent claims and ten dependent claims.

5 **INFRINGEMENT OF THE 662 PATENT**
6

7 10. Plaintiffs are informed, believe and thereon allege that Defendant imported,
8 distributed, offered for sale and/or sold to customers within the United States, and is still
9 continuing to do so, numerous hair clip products that infringe the 662 Patent ("Accused
10 Products"), including but not limited to the product "Drybar Hold Me Hair Clips" a copy of
11 advertisement of which is attached hereto as Exhibit "B".
12

13 11. The Accused Products comprise the elements as claimed in the 662 Patent to
14 achieve the purpose of the claimed invention.

15 **DEFENDANT'S KNOWLEDGE OF THE 662 PATENT**
16

17 12. Plaintiffs are informed, believe and thereon allege that the commercial
18 embodiment of the 662 Patent was consistently marked with the patent number for 662 Patent
19 since the first products were first introduced.

20 **COUNT ONE: PATENT INFRINGEMENT OF THE 662 PATENT**
21

22 13. Plaintiffs realleged paragraphs 1 through 12 as though fully set forth herein.

23 14. Plaintiffs are informed, believe and thereon allege that Defendant has infringed
24 and continues to infringe the 662 Patent by using, importing, selling, or offering for sale in the
25 United States, including this District, the Accused Products embodying the patented inventions
26 without authority or permission. By engaging in such conduct, Defendant has directly or
27 indirectly infringed one or more of claims of the '662 Patent, either literally or through the
28

1 doctrine of equivalents. In addition, Defendant has actively induced and contributed, and
2 continues to induce and contribute to the infringement by selling and offering to sell the Accused
3 Products to the customers in the United States and by instructing its customers to use these
4 products, causing the customers directly infringe one or more claims of the 662 Patent.

5 15. Plaintiffs are informed, believe and thereon allege that Defendant has
6 intentionally, and/or knowingly engaged in the conduct described herein in that Defendant has
7 known of the 662 Patent at least since the time at which Plaintiffs began marking their products
8 with the patent number. With knowledge of the 662 Patent, Defendant instructed their customers
9 and wholesale distributors how to use the hair clips. In doing so, Defendant knowingly induced
10 their customers to infringe the 662 patent with specific intent.
11

12 16. The Accused Products have no substantial uses that did not infringe the 662
13 Patent.
14

15 17. As a consequence of the infringing activities of Defendant regarding the 662
16 Patent as complained of herein, Plaintiffs have suffered monetary damages in an amount not yet
17 determined, and Plaintiffs will continue to suffer such damages in the future unless and until
18 Defendant' infringing activities are enjoined by this Court.
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RELIEF

Plaintiffs respectfully request the following relief:

A. That Defendant be declared to have infringed, induced others to infringe, and/or committed acts of contributory infringement with respect to the claims of the 662 Patent;

B. That Defendant, its officers, agents, servants, employees, attorneys, parents, subsidiaries, affiliates, successors, and all others in active concert or participation with them or acting on their behalf be permanently enjoined from further infringement of the 662 Patent;

C. That Defendant be ordered to account for and pay to Plaintiffs all damages caused to Plaintiffs by reason of Defendant's infringement of the 662 Patent pursuant to 35 U.S.C. §284, including any enhanced damages;

D. That Plaintiffs be granted pre-judgment and post-judgment interest on the damages caused to them by reason of Defendant's infringement of the 662 Patent;

E. That this be declared an "exceptional case" pursuant to 35 U.S.C. §285 and that Defendant be ordered to pay Plaintiffs' attorney fees and costs; and

F. That Plaintiffs be granted such other and further relief as the case may require and the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs hereby demand a jury trial on all issues so triable.

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1 Respectfully submitted,

2 /s/Weon Geun Kim

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